

REMARKS/ARGUMENTS

The Examiner's Action of October 13, 2006, has been received and reviewed by counsel for Assignee. In that Action claims 1-49 were presented for examination. Claims 1-29 were allowed, claims 30-38, 48 and 49 were rejected, and claims 39-47 were objected to.

Claims 30-38 were rejected under 35 U.S.C. § 101 as nonstatutory. For the reasons set forth below, counsel respectfully traverses that rejection. Counsel believes that the claim already has a useful, concrete, and tangible result in the sense that the claim requires the presence of an interferometer apparatus and requires that a substrate be arranged in the beam of measuring light while the direction of polarization is rotated. Counsel believes that without the amendment of the claim to incorporate objected-to claim 40 that claim 30 was in compliance with the statutory subject matter requirement of Section 101.

However, counsel also has amended claim 30 in a manner believed sufficient to overcome the rejection. In particular, counsel has amended claim 30 by adding an additional step in which the results from the method characterized by the remaining portion of claim 30 are then used to machine the first surface of the optical substrate in dependence of the determined deviations. This additional phrase is indicative of the tangible results of the claimed method, and is believed to overcome the Examiner's rejection. The amendment/traversal of the rejection should place claims 30-38 in condition for allowance as complying with the statutory subject matter requirements.

The Examiner also rejected claims 48 and 49 under Section 112, in effect requesting that the method steps of the claim be written into the claim itself rather than by referring to other claims (claims 39 and 40). By this response, counsel has rewritten claims 48 and 49 to incorporate all of the steps of the method claim previously reference by number only in the claim. This amendment is believed to overcome the Section 112 rejections of each of the claims.

All of the claims are now believed allowable over the cited art. Should the Examiner wish to discuss the matter, please telephone the undersigned at 650-324-6303 (direct).

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert C. Colwell", with a long horizontal flourish extending to the right.

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